

REMARKS

The Office Action dated August 5, 2010, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1, 3-10, and 50-61 are pending and under consideration in this application, of which claims 1, 8, 50, 57, and 60-61 are independent claims. Claims 1, 8, 50, 57, and 60-61 have been amended to more particularly point out and distinctly claim the invention. No new matter has been added. Claims 1, 3-10, and 50-61 are respectfully submitted for consideration.

An Interview was conducted between the Examiner and Applicants' representative on November 4, 2010. Applicants thank the Examiner for the courtesies extended to Applicants' representative during the interview. During the interview, Applicants discussed the amendments and arguments set forth and discussed below.

The Office Action rejected claims 60-61 under 35 U.S.C. §101 for being directed to non-statutory subject matter. Claims 60-61 allegedly previously could read on "transitory" media. Claims 60-61 as amended specify that the medium is "non-transitory." Withdrawal of the rejection is respectfully requested.

The Office Action rejected claims 1, 3-10 and 50-61 under 35 U.S.C. §103(a) as being allegedly unpatentable as obvious over U.S. Patent No. 6,728,712 of Kelley *et al.* ("Kelley") in view of U.S. Patent No. 6,782,253 of Shteyn *et al.* ("Shteyn"). The Office Action acknowledged that Kelley fails to disclose or suggest "estimate the location of the

apparatus, communicate with the network to request that the network transmit a communication that automatically alters the network address associated with a tag in dependence on the estimated location, and automatically alter the network address associated with the tag in response to the communication received from the network,” but cited Shteyn to remedy Kelley’s deficiencies.

At page 13, item 6, the Office Action alleged that “Applicant’s arguments with respect to the rejection of claims 1, 3, 4-10 [sic] and 50-61 under U.S.C. 103(a) have been considered but are moot in view of the new ground(s) of rejection.” Applicants respectfully submit that similar distinctions to those presented with respect to Kelley and Greene in response to the previous Office Action also apply to the proposed combination of Kelley and Shteyn.

Kelley generally discusses “software for updating desired inter- or intra-net addresses at a client computer” (column 1, lines 9-10). “Database 14 is conventionally referred to as a bookmark database, having addresses of often-used web pages or files 26, 28 having different addresses (URLs) and accessible 24 through network server 18. As will be explained further, database 16 contains the updated addresses of the files listed on the client bookmark, and the updated addresses are used to make changes to the bookmark database 14” (column 4, lines 8-15, of Kelley).

Claim 1 recites, in part, “estimate the location of the apparatus, communicate with the network to request that the network transmit a communication that automatically alters the network address associated with a tag in dependence on the estimated location,

and automatically alter the network address associated with the tag in response to the communication received from the network.” Applicants respectfully submit that the combination of Kelley and Greene fails to disclose or suggest at least these features of claim 1.

As noted above, the Office Action acknowledged that “Kelley does not specifically disclose estimate the location of the apparatus, communicate with the network to request that the network transmit a communication that automatically alters the network address associated with a [tag] in dependence on the estimated location, and automatically alter the network address associated with the tag in response to the communication received from the network in the format claimed.” Thus, instead of relying only on Kelley, the Office Action relied on the following portions of Shteyn: Figures 1-6; Column 1, lines 39-62; Column 2, lines 6-28 and 47-56; Column 3, lines 1-15; and Column 4, lines 17-45. Applicants respectfully submit that Greene fails to teach or suggest the above-recited features of claim 1.

Shteyn generally relates to a mobile micro portal. In Shteyn, a geographic region has a network of beacons. Each beacon transmits a short-range facilitation signal for receipt on a user’s mobile communication device. The facilitation signal initiates association of the facilitation signal with a service and conditionally alerts the user to the service via the device, dependent on a user profile. The user-profile and the association between facilitation signal and service are user-programmable in Shteyn.

The Office Action argued that “It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the invention of Kelley such that the apparatus of Kelley would be able to estimate its location, for the purposes of letting the network [be] informed of its location, and consequently allowing the network to alter the network address associated with the tag and thus providing proper services to the user.” Applicants respectfully disagree with the Office Action’s conclusion of obviousness.

The Office Action has alleged that the “tags” of Kelley are the “bookmarks” of Kelley’s system. The bookmarks of Kelley’s system identify web sites. They are not related by Kelley to the location of the user. Furthermore, the user’s location has no impact on the user’s bookmarks in Kelley. Accordingly, it would not be necessary to update the user’s location or to alter a network address associated with a bookmark in order to “provide proper services” to a user of Kelley’s system.

Shteyn mentions bookmarks at column 10, lines 46-50. However, Shteyn does not suggest or even hint at the idea of altering network addresses associated with the bookmarks. Instead, in the context of column 10, lines 46-50, the bookmarks are used to identify which services should be announced to a user, since bookmarks may indicate the preferences of a user.

Shteyn also mentions bookmarks in the “background” section of Shteyn, at column 2, lines 16-28:

The Cooltown Museum and Bookstore offer visitors a Web-enhanced experience. As visitors tour the museum, their portable digital assistant (PDA) can receive Web URLs from

wireless "beacons". These beacons are small infrared transceivers located close to pictures or sculptures; the URLs link into a Web of information about the items. Using the PDA's Web browser, visitors can read or hear about the artist or the work and about related art works in the museum. The URLs can also be stored as bookmarks for further study or they can be used to select reproductions of the artwork from the museum's online store. The museum staff uses the same URLs for inventory control as the URLs point to the object's point of Web presence.

This reference to bookmarks, however, in now way hints or suggests at the idea of changing a network address associated with a bookmark. Instead, it merely indicates the possibility of providing the user with URLs that can be stored as bookmarks. No subsequent updating or changing of these URLs is hinted at.

Furthermore, the proposal at column 2, lines 16-28, of Shteyn is directly taught away from by Shteyn at column 2, lines 31-32 and 56-67. Instead, as explained at column 3, lines 1-15, Shteyn's system provides information to users within range of a beacon based on the user's interests.

URLs are mentioned again in Shteyn at column 7, lines 3-5, where it is mentioned that a mobile device can use predefined URL to access a web merchant and perform a search. There is not, however, any suggestion to change this predefined URL.

URLs are mentioned yet again in Shteyn at column 8, lines 6-11, where it is explained that the look-up service can use rules for creating a search URL from a basic "service URL" combined with two fields. However, none of this suggests altering any stored URL or any bookmark.

The other references to URL in Shteyn are similarly irrelevant to the claimed subject matter (see column 8, lines 51-52; column 9, lines 64-65; column 10, lines 14-27, and claim 7 of Shteyn). In these other places, Shteyn merely refers to the fact that URL information can point a user to local's service directory or can serve as an identifier for an on-line store. None of these references hint or suggest that the network address associated with a bookmark should be changed, and certainly do not teach or suggest that such a change should be made contingent upon performing a location estimate.

Accordingly, the combination of Kelley and Shteyn cannot disclose or suggest, at least, “estimate the location of the apparatus, communicate with the network to request that the network transmit a communication that automatically alters the network address associated with a tag in dependence on the estimated location, and automatically alter the network address associated with the tag in response to the communication received from the network,” as recited in claim 1, or the similar features of independent claims 8, 50, 57, and 60-61, each of which has its own unique scope. It is, therefore, respectfully requested that the rejection of claims 1, 8, 50, 57, and 60-61.

Additionally, each of independent claims 1, 8, 50, 57, and 60-61 recites “wherein each tag corresponds to a service and wherein the associated network address corresponds to a service provider of the service.” The prior art of record, whether considered individually, or in combination does not disclose these features in combination with the other features of each of the independent claims. Thus, for this

additional reason, it is respectfully requested that the rejection of claims 1, 8, 50, 57, and 60-61 be withdrawn.

Claims 3-7, 9-10, 51-56, and 58-59 depend respectively from, and further limit, claims 1, 8, 50, and 57. Thus, each of claims 3-7, 9-10, 51-56, and 58-59 recites subject matter that is neither disclosed nor suggested in the prior art. Accordingly, it is respectfully requested that the rejection of claims 3-7, 9-10, 51-56, and 58-59 be withdrawn.

For the reasons set forth above, it is respectfully submitted that each of claims 1, 3-10, and 50-61 recites subject matter that is neither disclosed nor suggested in the cited art. It is, therefore, respectfully requested that all of claims 1, 3-10, and 50-61 be allowed, and that this application be passed to issuance.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, Applicants' undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

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